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SUBJECT: AMBASSADOR'S MEETING WITH GUATEMALAN HUMAN RIGHTS
LEADERS

¶1. (U) Summary: Ambassador Derham hosted a meeting with 10 leaders of the Guatemalan human rights community to share views on security and violent crime. Most agreed that while violence has many sources, the current government does not engage in social cleansing or violence against any sector of society. They agreed, however, that the GOG is failing dramatically in its responsibility to provide law and order. They also confirmed that civil society has not yet been consulted on the latest version of the CICIACS. They expressed qualified support for specific U.S. priorities for improving the rule of law in Guatemala, including CICIACS. End Summary.

¶2. (U) On January 20, the Ambassador met with 10 leaders of the human rights community for a roundtable discussion at the Embassy. Participants were Mario Polanco (Mutual Support Group, or GAM), Iduvina Hernandez (Association for the Study and Promotion of Security and Democracy, or SEDEM), Alejandra Vasquez and Marvin Rabanales (Social Movement for the Rights of Children, Adolescents, and Youth), Maria Eugenia Villareal (ECPAT), Maria Salome Garcia Ortiz (Creative Learning), Amilcar Mendez (CERJ), David Bahmondes (Mack Foundation), and Carlos Barreda (Social Organizations Collective, or COS).

¶3. (U) The Ambassador requested their views on violent crime and citizens security in Guatemala and elicited a variety of responses. All agreed that Guatemalans, and especially children, live in a state of "extreme vulnerability" to violence. Regarding the roots of violence, they offered not one but many plausible explanations, including extreme poverty, inadequate investments in education and public health, a culture of violence, the influence of organized crime and gangs, a highly unequal distribution of wealth, and the failure to dismantle violent groups at the end of the armed conflict. To Villareal's observation that violence in Guatemala is compounding in the absence of an effective government response, Polanco added grim statistics: in 2005 GAM catalogued 2900 particularly brutal homicides and 560 of those victims were women. (Note: these statistics are close to those released by the GOG that we use in the Human Rights Report, but do not tally exactly. End note.)

¶4. (SBU) Most participants agreed that the government does not engage in social cleansing nor does it pursue a policy of violence against any sector of society. The lone voice of dissent was Amilcar Mendez of the Strategic Alliance for Human Rights, who said that the state -- and Minister of Government Carlos Vielmann in particular -- authorized the extrajudicial killing of gang members. When pressed for evidence to back up his accusation, he backed off considerably, noting that "this is our perception." The other attendees espoused the less radical position that, while the state does not endorse or sponsor violence, it has been negligent in its failure to protect society from it.

Some claimed that the government had neither the means nor the will to investigate allegations of criminal misconduct by rogue police and military. They pointed out that the general impunity that benefited corrupt government actors has returned to haunt the GOG by enabling the growth of gangs and other organized crime.

¶5. (U) Participants viewed with varying degrees of pessimism the state of the justice system in Guatemala. Police, in particular, were severely criticized. Several observed the problems inherent in the National Civilian Police (PNC) practice of "recycling" personnel (transferring corrupt or discredited police to a different jurisdiction). Vasquez added that restructuring and/or changes in PNC leadership has never been effective. Polanco suggested that the police had been infiltrated, but did not specify by whom. Others pointed to unsatisfactory training, corruption, and police involvement in criminal activities. On a more positive note, Bahmondes said the Mack Foundation had observed genuine attempts to reform the PNC, although they fall short of what is needed.

¶6. (U) None of those assembled had seen the GOG's latest proposal for establishing a U.N. investigative body (CICIACS). They said the GOG had not consulted civil society for input. Polanco expressed concern that the new version might focus too narrowly on organized crime. He said civil society favors a CICIACS with a broad mandate to investigate current and past human rights abuses.

¶7. (U) The Ambassador asked specifically about perceptions of U.S.-supported initiatives, such as reforms to the appeals law, the organized crime bill, and the national forensic lab.

There was general agreement that all were potentially positive steps but also subject to abuse. Bahmondes said the United States is working toward the correct goal -- that is,

combating impunity -- but observed that "bad problems are not necessarily solved by good laws," since the real weakness in Guatemala is failure to enforce the law. While most viewed DNA testing as indispensable, Rabanales declared that the forensics lab had the potential for utter failure. It will depend not on the quality of the law or the lab, he said, but rather on its staff. He also expressed concern about the difficulty of balancing civil liberties with providing police, prosecutors, and judges the tools they need (including wiretap authority) to successfully prosecute criminals. The current appeals process, for example, shelters the bad guys, but it also provides needed protection from persecution.

¶8. (U) A number of other issues were raised:

-- Villareal noted that the government has failed to devote a budget line-item to anti-trafficking measures.

-- Vasquez expressed concern that, as elections approach, the parties will try to outdo one another with the strongest "mano dura" anti-gang approach.

-- Bahmondes mentioned with concern an initiative, now in Congress, that would give military tribunals jurisdiction over all crimes committed by members of the military, regardless of the nature of the crime. (Note: Congress has essentially shelved this initiative. End note.)

-- Hernandez classified the government's prosecution of the Chixoy Dam protest leaders as "state violence."

DERHAM